

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

GERTRUDE DUCKSWORTH, et al., <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>CITIFINANCIAL CORPORATION, et al.</p> <p style="text-align: center;">Defendant.</p>		CIVIL ACTION NO. 4:02CV42-LN
--	--	-------------------------------------

ORDER OF DISMISSAL WITH PREJUDICE

The Court has considered *sua sponte* the status of the above styled action in light of Orders previously made by the Court and concludes that at this time this case is due to be dismissed in its entirety with prejudice to all the remaining Plaintiffs who are not already subject to dispositive orders or Orders of Dismissal. The Court's decision is based upon the following:

1. On or about September 9, 2005, Plaintiffs' counsel filed a Motion of Counsel for Leave to Withdraw as counsel for all remaining Plaintiffs and further seeking a stay of all proceedings.

2. This Court entered an order dated September 20, 2005, granting Motion of Counsel for Leave to Withdraw, staying all proceedings in the case, and providing for a forty-five (45) day period within which the remaining Plaintiffs were required to notify the Court that they had retained other counsel to prosecute the action or that they would proceed *pro se*; the Court' order further stated that if any individual Plaintiff did not notify the Counsel within that forty-five day period that he or she has obtained substitute counsel or would will proceed *pro se*, then the claims of that individual would be dismissed with prejudice by operation of the Court's order without the need for further order of the Court. In order to effectuate the terms of said order, the Court directed the Plaintiffs' counsel to mail a copy of that order to all of the Plaintiffs as soon as possible after the entry of the order.

3. A period in excess of forty-five days has elapsed since the Court's order. The Court

has reviewed filings in the offices of the Clerk of the Court to ascertain whether or not any Plaintiffs have given notice of an indication to proceed *pro se* or through substitute counsel and finds that there are no Plaintiffs that have provided such notice.

4. The Court finds that, in accordance with its order of September 20, 2005, all of the Plaintiffs who are not previously subject of dispositive orders or orders of dismissal are hereby dismissed with prejudice. The Court further directs each party to bear its own costs as previously taxed.

5. Because all Plaintiffs not previously subject to dispositive order or orders of dismissal are hereby dismissed, the Court advised Clerk that this is a final order and that this case is closed.

HEREBY ORDERED, this the 21st day of November, 2005.

/s/ Tom S. Lee
TOM S. LEE
United States District Judge

Submitted By:

John R. Chiles (MSB# 100737)
BURR & FORMAN LLP
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203
Telephone: (205) 251-3000
Facsimile: (205) 458-5100